

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA

v.

JOHN J. DIAMONT, JR.,

Defendant.

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CRIMINAL NO. 05-10154-MLW

**DEFENDANT’S MOTION TO FILE UNDER SEAL DEFENDANT’S OPPOSITION TO  
GOVERNMENT’S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OF ALLEGED  
CRIMINAL CONDUCT OF YALE STROGOFF NOT RESULTING IN CONVICTION**

Pursuant to Local Rule 7.2 and this Court’s January 6, 2006, Electronic Order entered in this case, defendant John Diamont moves to file under seal his Opposition to Government’s Motion *In Limine* to Exclude Evidence of Alleged Criminal Conduct of Yale Strogoff Not Resulting in Conviction. In support of this Motion, Diamont states as follows. On January 5, 2006, Diamont filed a Supplemental Memorandum in Support of His Motion for Discovery (Fact Bargaining). This Supplemental Memorandum addressed the same two instances of Yale Strogoff’s criminal conduct that the government discusses in its Motion *In Limine*. Because the Supplemental Memorandum contained information relating to uncharged criminal conduct, Diamont requested that the Court permit him to file the Supplemental Memorandum under seal. In an Electronic Order dated January 6, 2006, the Court agreed and ordered that these matters were appropriately discussed under seal. Despite this Electronic Order, the government, when it filed its Motion *In Limine* discussing the same matters, failed to file the Motion or Memorandum under seal. For the same reasons that the Court previously held that these matters should be discussed under seal, Diamont requests that the Court likewise order his current Opposition to be

filed under seal. Diamont has served a copy of his Opposition on the government but believes the Opposition should be withheld from the public record.

WHEREFORE, Diamont asks the Court to impound Defendant's Opposition to Government's Motion *In Limine* to Exclude Evidence of Alleged Criminal Conduct of Yale Strogoff Not Resulting in Conviction and withhold this Opposition from public inspection until further order of the Court.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Lauren M. Papenhausen  
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Dated: May 12, 2006

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have attempted to confer with counsel for the government and have attempted in good faith to resolve or narrow the issues presented in this Motion.

/s/ Lauren M. Papenhausen

**CERTIFICATE OF SERVICE**

I, Lauren M. Papenhausen, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 12, 2006.

/s/ Lauren M. Papenhausen